



STATE OF LOUISIANA  
DEPARTMENT OF STATE CIVIL SERVICE  
**LOUISIANA BOARD OF ETHICS**

P. O. BOX 4368  
BATON ROUGE, LA 70821  
(225) 763-8777  
FAX: (225) 763-8780  
1-800-842-6630  
[www.ethics.state.la.us](http://www.ethics.state.la.us)

July 2, 2008

Donald Puckett  
General Counsel  
LA Department of Wildlife and Fisheries  
P.O. Box 98000  
Baton Rouge, LA 70898-9000

**RE: Ethics Board Docket No. 2008-542**

Dear Mr. Puckett:

The Louisiana Board of Ethics, at its June 26, 2008 Board meeting, considered your request for an advisory opinion regarding whether Section 1124.2 of the Code of Governmental Ethics applies to the members of the White Lake Property Advisory Board. You stated that the Board is an advisory board which counsels the Louisiana Department of Wildlife and Fisheries and the Louisiana Wildlife and Fisheries Commission relative to the White Lake Property. You stated that the board has no budget or treasury and its members are not compensated. Further, you stated that the Board has the authority to solicit and accept gifts and donations to be deposited in and credited to the White Lake Property Fund. However, such funds deposited are to be expended, solely and exclusively, by the Louisiana Department of Wildlife and Fisheries, the agency is exclusively responsible for the administration, management, and control of the White Lake Property.

The LA R.S. 56:799.3 provides that the monies in the White Lake Property Fund shall be used for the operation, maintenance, administration, control, management or enhancement of the White Lake Property. Additionally, the statute provides that "the legislature shall make no appropriations from the fund which are inconsistent with the recommendations of the White Lake Property Advisory Board."

The La R.S. 56:799.4 provides that the White Lake Property Advisory Board shall advise the Louisiana Wildlife and Fisheries Commission and the Department of Wildlife and Fisheries on issues concerning the management, control, and administration of the White Lake Property. La R.S. 56:799.6 provides that the Department of Wildlife and Fisheries shall manage, administer, and control the White Lake Property subject to the recommendations by the White Lake Property Board. The White Lake Property Fund Financial Report for the 2007-2008 fiscal year showed that the Fund had a budget set for \$965,508 and that \$547,865 of those funds were spent.

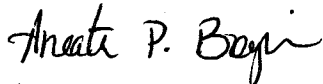
The Board concluded, and instructed me to advise you, that under the Code of Governmental Ethics, the members of the White Lake Property Advisory Board are required to file a financial disclosure statement under Section 1124.3 of the Code. Section 1124.3 of the Code provides that each member of a state board or commission which has the authority to expend, disburse, or invest \$10,000 or more, but less than 1 million dollars of funds in a fiscal year, shall file a financial disclosure statement. Since the budget for the White Lake Property Fund was under one million dollars for the 2007-2008 fiscal year, Section 1124.2 of the Code does not apply to the members of the Board. However, the statutory language in La. R.S. 56:799 et.seq. provides that any action taken by the Louisiana Department of Wildlife and Fisheries or the Wildlife and Fisheries Commission concerning the management, administration, and control of the White Lake Property is subject to the recommendations given by the White Lake Property Advisory Board. Additionally, the funding provided for the management, control, and administration of the White Lake Property for the 2007-2008 fiscal year was more than \$10,000 and less than one million dollars. Thus, Section 1124.3 applies to the members of the White Lake Property Advisory Board, and the members are required to file disclosure statements in accordance with this section of the Code. For those fiscal years where the White Lake Property Fund exceeds one million dollars, Section 1124.2 of the Code will apply to the members of the White Lake Property Advisory Board.

Please note that at the time the Board rendered its opinion, SB 718 of the 2008 Regular Legislative Session, which addressed disclosure requirements for board and commissions, had not been signed by the Governor. However, it has since been signed into law as Act 472 of the 2008 Regular Legislative Session, which may impact the level of disclosure required by members of the White Lake Property Advisory Board. If you need guidance regarding the application of the new law, a copy of which is enclosed, you may submit an additional request for an advisory opinion.

The Board issues no opinion as to past conduct or laws other than the Code of Governmental Ethics. If you have any questions, please contact me at (225) 763-8777 or (800) 842-6630.

Sincerely,

**LOUISIANA BOARD OF ETHICS**



Aneatra P. Boykin

For the Board

AN ACT

To amend and reenact R.S. 42:1124.1(A)(1) and (B), 1124.2(A) and (C)(1), 1124.3(A), 1124.4(A)(1), (C)(3), and (F), and 1157(A)(4)(a)(ii), to enact R.S. 42:1124.2.1, and to repeal R.S. 42:1124.2(G)(4), relative to financial disclosure; to require certain disclosures by certain public servants; to provide for the information required to be disclosed; to provide for definitions; to provide for penalties; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1124.1(A)(1) and (B), 1124.2(A) and (C)(1), 1124.4(A)(1), (C)(3), and (F), and 1157(A)(4)(a)(ii) are hereby amended and reenacted and R.S. 42:1124.2.1 is hereby enacted to read as follows:

§1124.1. Penalties; required reports; failure to file; timely and accurate filing

A.(1) Whoever fails to file a financial statement required by this Part, except for statements required by R.S. 42:1124, 1124.2, 1124.2.1, and 1124.3, or knowingly and willfully fails to timely file any such statement, or knowingly and willfully fails to disclose or to accurately disclose any information required by this Part shall be assessed a civil penalty pursuant to R.S. 42:1157 for each day until such statement or the required accurate information is filed.

\* \* \*

B. Whoever knowingly and willfully files a false report required by this Part,

1 except for statements required by R.S. 42:1124, 1124.2, 1124.2.1, or 1124.3, shall  
2 be guilty of a misdemeanor and upon conviction thereof shall be fined not less than  
3 one thousand dollars nor more than ten thousand dollars or imprisoned in parish  
4 prison for not more than six months, or both. Any prosecution under this Subsection  
5 shall be tried before a jury of six persons, all of whom must concur to render a  
6 verdict.

7 \* \* \*

8 §1124.2. Financial disclosure; certain elected officials; ~~voting districts of five~~  
9 ~~thousand or more; state~~ members of certain boards and commissions; ethics  
10 administrator

11 A. Each of the following, except a person who is required to file a  
12 financial statement pursuant to R.S. 42:1124, shall annually file a financial  
13 statement as provided in this Section:

14 (1) Each member of the state legislature.

15 ~~each~~ (2) Each person holding a public office who represents a voting district  
16 having a population of five thousand or more persons.

17 ~~each~~ (3) Each member of the Board of Ethics and the ethics administrator.

18 ~~each~~ (4) Each member of the State Board of Elementary and Secondary  
19 Education.

20 ~~each member of a state board or commission who receives a salary or other~~  
21 ~~compensation for such public service in the amount of sixteen thousand eight~~  
22 ~~hundred dollars or more per year and each member of a state board or commission~~  
23 ~~which has the authority to expend, disburse, or invest one million dollars or more of~~  
24 ~~funds in a fiscal year, except any person who is required to file a financial statement~~  
25 ~~pursuant to R.S. 42:1124, shall annually file a financial statement as provided in this~~  
26 ~~Section:~~

27 \* \* \*

28 C. The financial statement required by this Section shall be filed on a form  
29 prescribed by the Board of Ethics and shall include the following information for the  
30 preceding calendar year:

(1) The full name and ~~residence~~ mailing address of the individual who is required to file.

\* \* \*

**§1124.2.1 Financial disclosure; members of boards and commissions**

**A. Each of the following, except a person who is required to file a financial statement pursuant to R.S. 42:1124 or 1124.2, shall annually file a financial statement as provided in this Section:**

**(1) Each member and any designee of a member of a board or commission that has the authority to expend, disburse, or invest ten thousand dollars or more of funds in a fiscal year.**

**(2) Each member of the State Civil Service Commission.**

**(3) Each member of the Board of Commissioners of the Louisiana Stadium and Exposition District.**

**B. The financial statement required by this Section shall be filed by May fifteenth of each year during which the person holds an office included in Subsection A of this Section and by May fifteenth of the year following the termination of the holding of such office.**

**C. The financial statement required by this Section shall be filed on a form prescribed by the Board of Ethics and shall include the following information for the preceding calendar year:**

**(1) The full name and mailing address of the individual who is required to file.**

**(2) The full name of the individual's spouse, if any, and the spouse's occupation and principal business address.**

**(3) The name of the employer, job title, and a brief job description of each full-time or part-time employment position held by the individual or spouse.**

**(4)(a) The name, address, brief description of, and nature of association with and the amount of interest in each business in which the individual or spouse is a director, officer, owner, partner, member, or trustee, and in which**

1 the individual or spouse, either individually or collectively, owns an interest  
2 which exceeds ten percent of that business.

3 (b) The name, address, brief description of, and nature of association  
4 with a nonprofit organization in which the individual or spouse is a director or  
5 officer.

6 (5) The name, address, type, and amount of each source of income  
7 received by the individual or spouse, or by any business in which the individual  
8 or spouse, either individually or collectively, owns an interest which exceeds ten  
9 percent of that business, which is received from any of the following:

10 (a) The state or any political subdivision as defined in Article VI of the  
11 Constitution of Louisiana.

12 (b) Services performed for or in connection with a gaming interest as  
13 defined in R.S. 18:1505.2(L)(3)(a).

14 (6) A certification that such individual has filed his federal and state  
15 income tax returns, or has filed for an extension of time for filing such tax  
16 return.

17 (7) One of the following:

18 (a) A certification that neither the individual nor any member of his  
19 immediate family had a personal or financial interest in any entity, contract, or  
20 business or a personal or financial relationship that in any way posed a conflict  
21 of interest which affected the impartial performance of the individual's duties  
22 as a member of the board or commission.

23 (b) A statement describing each conflict and any action the individual  
24 took to resolve or avoid the conflict.

25 D. For the purposes of this Section, the following words shall have the  
26 following meanings:

27 (1)(a) "Board or commission" shall mean:

28 (i) Each board, commission, and like entity created by law or executive  
29 order that is made a part of the executive branch of state government by the  
30 provisions of Title 36 of the Louisiana Revised Statutes of 1950, or that is placed

1 in an executive branch department or in the office of the governor or lieutenant  
2 governor by law or executive order, or that exercises any authority or performs  
3 any function of the executive branch of state government.

4 (ii) Each board, commission, and like entity created by the constitution,  
5 by law, by a political subdivision, except as provided in Subparagraph (b) of this  
6 Paragraph, or jointly by two or more political subdivisions as a governing  
7 authority of a political subdivision of the state or of a local government.

8 (b) "Board or commission" shall not mean:

9 (i) The governing authority of a parish.

10 (ii) Any board or commission or like entity that governs a political  
11 subdivision created by a single parish governing authority of a parish with a  
12 population of two hundred thousand or less, or any subdistrict of such a  
13 political subdivision.

14 (iii) The governing authority of a municipality.

15 (iv) Any board or commission or like entity that governs a political  
16 subdivision created by a single municipal governing authority of a municipality  
17 with a population of twenty-five thousand or less, or any subdistrict of such a  
18 political subdivision.

19 (v) A board of directors of a private nonprofit corporation that is not  
20 specifically created by law.

21 (2) "Business" shall have the same meaning as provided in R.S. 42:1124.

22 (3)(a) "Income" for a business shall mean gross income less both of the  
23 following:

24 (i) Costs of goods sold.

25 (ii) Operating expenses.

26 (b) "Income" for an individual shall mean taxable income and shall not  
27 include any income received pursuant to a life insurance policy.

28 (4) "Public office" shall have the same meaning as provided in R.S.  
29 18:1483.

30 \* \* \*

## 1           §1124.4. Penalties

2           A.(1) If a person fails to timely file a financial statement as required by R.S.  
3           18:1495.7 or by R.S. 42:1124, 1124.2, 1124.2.1, or 1124.3, or a person omits any  
4           information required to be included in the statement, or the board has reason to  
5           believe information included in the statement is inaccurate, the board shall notify the  
6           person of such failure, omission, or inaccuracy by sending him by certified mail a  
7           notice of delinquency immediately upon discovery of the failure, omission, or  
8           inaccuracy.

9                           \*       \*       \*

10          C. Penalties shall be assessed as follows:

11                           \*       \*       \*

12          (3) Fifty dollars per day for statements required by R.S. 42:1124.2.1 or  
13          1124.3.

14                           \*       \*       \*

15          F. If a person who is required to disclose information required by R.S.  
16          42:1124, 1124.2, 1124.2.1, or 1124.3 discovers an error or inaccuracy in the  
17          information he disclosed and files an amendment to such disclosure correcting such  
18          error or inaccuracy prior to the receipt of a notice of delinquency, no penalties shall  
19          be assessed against the person, and the board shall replace the initial disclosure with  
20          the amendment thereto in the official records of the board.

21                           \*       \*       \*

## 22          §1157. Late filing fees

23          A.

24                           \*       \*       \*

25          (4)(a)

26                           \*       \*       \*

27          (ii) The late penalties for any violation of R.S. 42:1124, 1124.2, 1124.2.1,  
28          or 1124.3 shall be as provided in R.S. 42:1124.4.

29                           \*       \*       \*

30          Section 2. R.S. 42:1124.3(A) is hereby amended and reenacted to read as follows:



A. Each person holding a public office who represents a voting district having a population of fewer than five thousand ~~and each member of a state board or commission which has the authority to expend, disburse, or invest more than ten thousand but less than one million dollars,~~ except any person who is required to file a financial statement by R.S. 42:1124, or 1124.2, or 1124.2.1, shall annually file a financial statement as provided in this Section.

\* \* \*

**B. The provisions of Sections 2 and 4 of this Act shall become effective on January 1, 2010.**

1                   Section 9. The provisions of this Section and of Section 7 of this Act shall  
2                   be effective upon signature of the governor or lapse of time for gubernatorial action.

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_